

**EXPLANATION:** This Ordinance Authorizes the Fire Companies to Clean Up or Abate Discharges of Hazardous Substances, Suspected Hazardous Substances and to Require Reimbursement to the Fire Companies and the Township of Bedminster for Time and Materials Expended in Connection with the Clean Up or Abatement of Any Such Discharge and Supplementing and Amending Chapter III of the Township Code To Include Section 3-18.

**BEDMINSTER TOWNSHIP  
ORDINANCE No.2014-005**

An Ordinance Authorizing the Fire Companies to Clean Up or Abate Discharges of Hazardous Substances, Suspected Hazardous Substances and to Require Reimbursement to the Township of Bedminster and the Fire Companies for Time and Materials Expended in Connection with the Clean Up or Abatement of Any Such Discharge and Supplementing and Amending Chapter III of the Township Code To Include Section 3-18, Abatement of Hazardous Substance Discharges

BE IT ORDAINED by the Township Committee of the Township of Bedminster, County of Somerset, State of New Jersey, as follows:

Section 1. The Mayor shall designate an Emergency Management Coordinator who is hereby authorized to request the volunteer fire companies in the Township, the Pottersville Volunteer Fire Company and the Far Hills – Bedminster Fire Department (the “Fire Companies”), to clean up and remove any discharge of hazardous substances or suspected hazardous substances (but not to exceed level one first responder awareness and first responder operational) which occurs within the Township of Bedminster, or outside the boundaries of the Township, including when authorized by agreement between the Township and any other governing body.

Section 2. Definitions.

- a. **CLEAN UP AND REMOVAL COSTS** shall mean all costs associated with a discharge of hazardous substances incurred by the Township of Bedminster or its authorized agents, including the Fire Companies, (1) in the removal or attempted removal of hazardous substances, suspected hazardous substances or (2) in the taking of reasonable measures to prevent or mitigate damage to public health, safety, or welfare, including but not limited to public and private property, surface waters, sub-surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.
- b. **DISCHARGE** shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous or suspected hazardous substances, into the waters, onto the lands or into the air, which may or does cause or it is reasonably believed will damage or result in damage to the lands, waters, air, or natural resources.
- c. **HAZARDOUS SUBSTANCES** shall mean such elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency, provided however, that sewage and sewage sludge shall not be considered as hazardous substances for the purpose of this ordinance. This definition also includes substances which the Emergency Management Coordinator has reasonable reason to believe are hazardous substances.

- d. PERSON shall mean public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, or any other entity.
- e. PETROLEUM shall mean oil or petroleum of any kind and in any form including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

Section 3. Any person who causes by act or omission, or is otherwise responsible for a discharge of hazardous or suspected hazardous substances which requires clean up or abatement by the Township or one of its Fire Companies shall be liable for the payment of all costs incurred by the Township and the Fire Companies as a result of such clean up or abatement activity. The owner of real or personal property from which a discharge of hazardous substances occurs is responsible for the cost of clean up or abatement. The remedy provided by this ordinance shall be in addition to any other remedies provided by law.

Section 4. For the purposes of this ordinance, costs incurred by the Township and its Fire Companies shall include but shall not necessarily be limited to the following: actual labor costs of Township and Fire Company personnel including workers' compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials. A fee schedule shall be established by resolution of the Township Committee as amended from time to time.

Section 5. The cost of materials to be reimbursed to the Fire Companies and Township shall include, without limitation, fire fighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment including acid suits, acid gloves, goggles and protective clothing.

Section 6. Upon obtaining any information that a hazardous discharge has occurred in the Township (unless previously notified of a hazardous discharge by NJDEP) the appropriate Township officials shall immediately notify NJDEP of such hazardous discharge in accordance with the requirements of all applicable NJDEP statutes and regulations.

Section 7. All ordinances inconsistent herewith are hereby repealed.

Section 8. This ordinance shall become effective immediately upon final passage and publication as required by law.

Introduced by: Cm Lawrence Jacobs  
 Passed: July 7, 2014  
 Published: July 10, 2014  
 Adopted: July 21, 2014

**ATTEST:** **BEDMINSTER TOWNSHIP COMMITTEE**

By: \_\_\_\_\_  
**Judith A. Sullivan, Township Clerk**

By: \_\_\_\_\_  
**Steven E. Parker, Mayor**

Introduced	Seconded	Township Committee	Vote for Adoption	Nay	Abstain	Absent
		Steven E. Parker, Mayor				
		Bernie Pane				
		Carolyn Freeman				
		Lawrence F. Jacobs				
		Staci Santucci				